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DAC FOR PATENTSKIM KANZAKI  
TOWNSEND AND TOWNSEND AND CREW LLP  
TWO EMBARCADERO CENTER  
8TH FLOOR  
SAN FRANCISCO, CA 94111-3834In re Application of  
Earle W. Jennings III  
Application No. 08/993,442  
Filed: December 18, 1997  
Attorney Docket No. 939A-040310

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 9, 2000 and with a certificate of mailing date of August 3, 2000, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the nonfinal Office Action mailed May 13, 1999. Accordingly, this application became abandoned August 14, 1999. A Notice of Abandonment was mailed December 17, 1999. On March 27, 2000, petitioner filed a petition to revive which was dismissed in a May 3, 2000 decision for failure to submit the required reply. Petitioner obtained a one month extension of time to reply to the decision.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The renewed petition fails to contain this statement. However, the original petition contains a similar statement which the Office will construe as applying to the renewed petition. Since the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the petition.

The Amendment, filed August 9, 2000 and with a certificate of mailing date of August 3, 2000, is acknowledged.

This application is being forwarded to Technology Center 2700.

Telephone inquiries should be directed to Petitions Attorney Laurie Mayes at (703) 308-3145.

*for D Wood*  
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